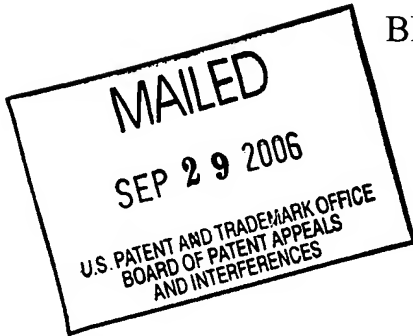


UNITED STATES PATENT AND TRADEMARK OFFICE



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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte RICHARD WISNIEWSKI and  
LEONIDAS CARTWRIGHT LEONARD

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Application 10/057,610

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was electronically received at the Board of Patent Appeals and Interferences on August 29, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

Information Disclosure Statement (IDS) was filed January 25, 2002. It is not apparent from the record that the examiner considered the statement submitted nor notified applicants of why his submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

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The content under the heading “SUMMARY OF CLAIMED SUBJECT MATTER” contained in the Appeal Brief filed on June 14, 2004 does not provide a sufficient summary of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters. For each independent claim involved in the appeal and for each dependent claim argued separately under the provisions of paragraph (c)(1)(vii) of this section. [See 37 CFR § 41.37(c)(1)(v).]

Further review of the Appeal Brief received on June 14, 2004 reveals that the following required sections are missing:

(1) “EVIDENCE APPENDIX,” as set forth in 37 CFR § 41.37(c)(1)(ix);  
and

(2) “RELATED PROCEEDINGS APPENDIX” as set forth in 37  
CFR § 41.37(c)(1)(x).

A Supplemental Appeal Brief that is in compliance with 37 CFR § 41.37(c)(1)(ix) and 37 CFR § 41.37(c)(1)(x) is required.


Accordingly, it is

ORDERED that the application is being electronically returned to the  
Examiner:

Application 10/057,610

- 1) for consideration of the Information Disclosure Statement;
- 2) to have Appellants submit a revised Appeal Brief incorporating the required content as specified in 37 CFR § 41.37(c)(1)(v) for the "SUMMARY OF CLAIMED SUBJECT MATTER" contained in the Appeal Brief filed on June 14, 2004;
- 3) to have the Appellants submit the missing appendices not present in the Appeal Brief as noted above as required by 37 CFR § 41.37(c)(1)(ix) and 37 CFR § 41.37(c)(1)(x);
- 4) and for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:   
DALE M. SHAW  
Deputy Chief Appeals Administrator  
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GJH

Application 10/057,610

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